

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

M.D., a minor, by and through his *guardian ad litem*, MARCUS DE LOUTH,

Plaintiffs,

v.

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT, et al.,

Defendants.

No.: 1:20-cv-01525 NONE JLT

ORDER GRANTING UNOPPOSED MOTION TO
DISMISS THE FOURTH CAUSE OF ACTION;
ORDER REMANDING THE MATTER TO
STATE COURT

(Doc. No. 5)

Plaintiff M.D., through his *guardian ad litem* Marcus De Louth, filed this action on September 22, 2020 in the Kern County Superior Court. (Doc. No. 1-1 (“Complaint”).) Defendants, the Panama-Buena Vista Union School District (“District”) and various employees of the District, timely removed the action to this federal court. (*See* Doc. No. 1.) The Complaint contains one federal claim (the fourth cause of action) and three state law claims, all related to an incident that allegedly occurred on October 30, 2019 in which plaintiff’s leg was trapped in the door of a school bus. (*See generally* Doc. No. 1-1.)

On November 11, 2020, defendants moved to dismiss the federal cause of action. (Doc. No. 5.) On November 19, 2020, plaintiff filed a statement of non-opposition to dismissal of that federal cause of action. (Doc. No. 7.)

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1 The court declines to address the arguments made in the motion in detail and instead
2 summarily DISMISSES the fourth cause of action in the Complaint on the basis that the plaintiff
3 expresses no opposition to the motion to dismiss. *See Way v. JPMorgan Chase Bank, N.A.*, No.
4 2:16-CV-02244 TLN KJN, 2019 WL 1405599, at *1 (E.D. Cal. Mar. 28, 2019) (reviewing local
5 rules and caselaw permitting summary dismissal under similar circumstances).

6 Because this case was removed to this court only recently, no judicial resources have been
7 expended on it. *See Carnegie-Mellon Univ. v. Cohill*, 484 US 343, 350 (1988). Consequently, the
8 court declines to exercise supplemental jurisdiction over the remaining state law claims and
9 REMANDS the matter to the Kern County Superior Court.

10 CONCLUSION

11 For the reasons set forth above:

- 12 (1) Defendants' unopposed motion to dismiss the fourth cause of action (Doc. No. 5) is
13 GRANTED;
14 (2) The court declines to exercise supplemental jurisdiction over the remaining state law
15 claims;
16 (3) The case is REMANDED to the Kern County Superior Court; and
17 (4) The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: November 24, 2020

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21 UNITED STATES DISTRICT JUDGE
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